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C O N F I D E N T I A L CARACAS 003219

SIPDIS

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E.O. 12958: DECL: 05/25/2014
TAGS: PHUM, PGOV, KJUS, VE
SUBJECT: VENEZUELAN PROSECUTOR INVESTIGATES 400 FOR
"REBELLION"

Classified By: cda stephen g. mcfarland FOR REASON 1.4 (d)

SUMMARY

1. (U) Venezuelan prosecutor Danilo Anderson took testimony from three media executives at the beginning of October as part of his investigation into the events of April 12-13, 2002. Anderson announced on September 17 that he was reopening the investigation of persons who had supported the interim government of Pedro Carmona. Anderson announced the investigation would involve some 400 people associated with the "Carmona Decree," which dissolved the GOV in April 2002. In addition to those that signed the decree, Anderson is targeting persons known to be present in Miraflores Palace at the time, having "signed in" or been caught on videotape. Sumate's Maria Corina Machado and Zulia Governor Manuel Rosales are perhaps the most prominent persons on the list.
End Summary.

Case Reopened

2. (U) On September 17 prosecutor Danilo Anderson announced that Attorney General Isaías Rodríguez had ordered him to reopen the investigation into the events of April 12, 2002

surrounding the installation of the Carmona government. He told reporters he would investigate those people named as ministers in Carmona's government, those who signed the "Carmona Decree" and those who were present at Miraflores during Carmona's swearing in.

Background

3. (C) On April 11, 2002 Gen. Lucas Rincon announced President Chavez' resignation on national television. Hundreds of Chavez opponents had marched to the Presidential Palace and occupied it when military officers took the President into custody. Pedro Carmona, then president of the business federation FEDECAMARAS, swore himself in as president. This act broke the constitutional chain. Amidst the celebrating and negotiating, a decree was written. It is not clear who wrote it, though that is likely to be part of Anderson's investigation. The Carmona Decree, as it is now known, dissolved the GOV, the National Assembly, the Supreme Court, and the Citizen Power, including the prosecutor's office. The decree was signed publicly by the representatives of several institutions, and publicly proclaimed. This decree, and the political attacks against Chavista officials, is generally credited with sparking the reaction of loyal elements of the military, which led to Chavez' restitution on April 13. In 2002 the Supreme Court, sitting in Plenary Chamber, ruled that the events of April 11, 2002, did not constitute a coup, but rather a power vacuum, given Chavez' resignation. The decision halted attempts to try the military participants in the April events.

400 Blows

3. (U) On September 30 Anderson announced that he expected to call 400 persons to testify, possibly as suspects, over the course of two months. He said he intended to investigate Carmona's ministers first, then those who signed the decree publicly, then those who signed privately after Carmona was sworn in, and finally those who were present at Miraflores during Carmona's swearing in ceremony as president. For this last group, Anderson plans to use videos to identify people. Anderson told the press that the investigation was beginning from the assumption that the crime committed was civil rebellion. Depending on the level of complicity, suspects might be charged as author, co-author, participant or accomplice. Anderson said he would not call Gen. Lucas Rincon, who announced Chavez' resignation, or the Vice President at the time, Diosdado Cabello, to testify.

Media Execs Testify

4. (U) Globovision Director General Alberto Ravell testified before prosecutor Danilo Anderson on October 4, about an alleged meeting on April 13, 2002, between interim president Pedro Carmona and media executives, allegedly to design the interim government's communication policy. Anderson told reporters that he had learned of the meeting from testimony by Rafael Arreaza, Carmona's Health Minister. Anderson also summoned Globovision President Guillermo Zuloaga on October 5, Venevision President Victor Ferrer on October 7, and Venevision owner Gustavo Cisneros on October 8. The media executives told reporters that the meeting with Carmona was public, that they had not met to design Carmona's communication policy, and that they had not signed the decree. Some noted that the allegation did not make sense because as independent media their role is not to advise a government on a communication strategy.

Fear Abounds

5. (C) On October 5 PolOff spoke with Juan Martin Echevarria, who represents some of the potential suspects. He said he knew many people who were scared, and that some would follow Rafael Arreaza's step of coming forward and cooperating with Anderson to avoid being charged. Martin suggested that these testimonies could be manipulated by Anderson to implicate whoever he wanted in whatever crime he wanted. Martin suggested that the appointment of Anderson as prosecutor sent a powerful message, since people remembered that he sent Baruta Mayor Henrique Capriles to jail for 120 days. Martin said the case was an attack against the opposition rear-guard, designed to shut down sources of financing and other support for opposition leaders by bringing the real threat of prison close to home.

6. (C) Most of those alleged to have signed apparently signed blank pieces of paper, which press reports have said were left out for people to sign their adherence to the decree. Maria Corina Machado, of SUMATE, listed as a signer on lists that have appeared in the press, alleges that she signed only a visitors book, though her lawyer, Martin, told PolOff she physically signed a blank piece of paper. Martin confirmed that Machado's mother also signed a piece of paper in Miraflores, and would probably be called to testify.

7. (C) Several people signed the decree publicly in the name of various social and political groups, including: Cardinal Velasco in the name of the Catholic Church; Carlos Fernandez, in the name of FEDECAMARAS; Zulia Governor Manuel Rosales, in the name of the regional governments. MVR Deputy Saul Ortega told PolOff on October 6 that it would probably be impossible to convict those who signed the blank pieces of paper, or those who were physically present. The ministers, and those who signed publicly, however, were guilty of treason and should be convicted, Ortega said. Construyendo Pais deputy

Leopoldo Martinez, whom Carmona named Finance Minister, told PolCounts he did not believe Anderson would pursue a case against him because of his parliamentary immunity. Anderson, he asserted, was more intent on intimidating Chavez opponents than in ever taking the investigation to fruition.

Comment

9. (C) Capitalizing on winning the referendum, the GOV is turning to ensure that opponents understand there is a cost to participation in politics against the government. It is also important for Chavistas that April 11 be legally defined as a coup, and those who supported the Carmona government as coupsters. The prosecutor's office is being used to convey this message. The beginning of the parade of persons answering Anderson's summons appeared to be fairly innocuous. The list is long, however, and there are bound to be flare-ups, for example when SUMATE representative Maria Corina Machado is called. That moment, while solely at Anderson's discretion, will likely occur at an advantageous moment for the GOV and an inopportune moment for its opponents. Still unknown is how far the prosecutions are likely to proceed through the judiciary.

McFarland

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